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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,735	12/21/2001	Timo Elomaa	004770.00357	5096
22907	7590	05/21/2008		
BANNER & WITCOFF, LTD.			EXAMINER	
1100 13th STREET, N.W.			LANIER, BENJAMIN E	
SUITE 1200				
WASHINGTON, DC 20005-4051			ART UNIT	PAPER NUMBER
			2132	
			MAIL DATE	DELIVERY MODE
			05/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,735	<b>Applicant(s)</b> ELOMAA ET AL.
	<b>Examiner</b> BENJAMIN E. LANIER	<b>Art Unit</b> 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 26 February 2008.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 6-8,18,25,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-8,18,25,36 and 37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Response to Amendment*

1. Applicant's amendment filed 26 February 2008 amends claims 6-8, 18, 25, 36-37.

Applicant's amendment has been fully considered and entered.

### *Response to Arguments*

2. Applicant's argument that "Claim 6 requires a terminal with two memories and a user interface operatively associated with the memories. Stefik does not disclose or suggest this feature, but instead is concerned with transfer of digital content between separate repositories," has been fully considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bramhill, WO 98/44402.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-8, 18, 25, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Bramhill, WO 98/44402. Referring to claims 6-8, 25, Bramhill discloses copy protection for data wherein webpage content to be downloaded and displayed with a webpage is checked for the existence of copyright protection control information by a browser (Page 9, lines 15-24 & Page 13, lines 1-4), which meets the limitation of user interface is operable to identify indicia associated with said content said permitted set of operations being determined therefrom. The

received webpage content is displayed by the browser (Page 9, lines 26-27 & Page 14, lines 27-29), but the ability to save the webpage content depends on the existence of the copyright protection control information (Page 9, lines 27-29 & Page 14, lines 29-32), which meets the limitation of a terminal having a first memory into which content is receivable, said first memory provides temporary storage of said content, a second memory and a user interface operatively associated with said first memory and said second memory. When the data is not copyright protected the user can save and copy it using the right mouse button (Figure 2 & Page 9, lines 27-29), which meets the limitation of a set of operations of said user interface in relation to said content received into said first memory is permitted by reference to said content, at least one of said operations permitted by said content being a transfer of said content to said second memory, wherein a set of operations of said user interface in relation to said content when received into said second memory is similarly permitted by reference to said content.

Referring to claim 18, Bramhill discloses copy protection for data wherein webpage content to be downloaded and displayed with a webpage is checked for the existence of copyright protection control information by a browser (Page 9, lines 15-24 & Page 13, lines 1-4), which meets the limitation of a user interface for a terminal wherein the interface is operable in accordance with an indicia associated with content received by the terminal, said indicia being representative of a pre-determined level of control of content. The received webpage content is displayed by the browser (Page 9, lines 26-27 & Page 14, lines 27-29), but the ability to save the webpage content depends on the existence of the copyright protection control information (Page 9, lines 27-29 & Page 14, lines 29-32). When the data is not copyright protected the user can save and copy it using the right mouse button (Figure 2 & Page 9, lines 27-29), which meets the

limitations of permit operations available to a user of said terminal in relation to said content, said operations including the transfer of said content from volatile storage, into which content is received from said network, to user accessible storage.

Referring to claims 36, 37, Bramhill discloses that the data is wrapped in a proprietary BTC file format that includes the data and the copyright protection control information for the data (Figure 7 & Page 12, line 26 – Page 13, line 4), which meets the limitation of said content and said indicia corresponding to said content are included in a datagram, said indicia corresponding to a content is a bit included in said datagram that has been set to a predetermined state.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schreiber, U.S. Patent No. 6,298,446

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN E. LANIER whose telephone number is (571)272-3805. The examiner can normally be reached on M-Th 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin E Lanier/  
Primary Examiner, Art Unit 2132